

EXHIBIT 5

TODD MYERS, M.D.
SCHNEEBERGER INGRAM v ETHICON INC.

July 09, 2013
1-4

1 IN THE UNITED STATES DISTRICT COURT	Page 1	1 APPEARANCES (Cont.)	Page 3
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA		2	
3 CHARLESTON DIVISION		3 On behalf of the Defendants:	
4		4 KIMBERLY METZGER, Esquire	
5 IN RE: ETHICON, INC., MDL. NO. 2327		5 Ice Miller, LLP, One American Square, Suite 2900,	
PELVIC REPAIR SYSTEMS		6 Indianapolis, Indiana 46282	
PRODUCTS LIABILITY LITIGATION		7 Telephone: (317) 236-2100	
8 LISA SCHNEEBERGER INGRAM, :		8 Fax: (317) 592-4823	
9 Plaintiff, :		9 E-mail: kimberly.metzger@icemiller.com	
10 v : CASE NO. 2:12-cv-9300		10	
11 ETHICON INC., et al., :		11 ALSO PRESENT:	
12 Defendants. :		12 Jim Kafantaris, Videographer	
13 * * *		13	
14 Videotaped Deposition of Todd Myers, M.D.		14	
15 Tuesday, July 9, 2013		15	
16 * * *		16	
17 a witness herein, taken on behalf of the plaintiff		17	
18 in the above-entitled cause of action pursuant to		18	
19 notice and the Federal Rules of Civil Procedure, by		19	
20 and before Lisa K. Hall, Certified Court Reporter		20	
21 and Notary Public within and for the State of West		21	
22 Virginia, at the offices of Marietta Gynecologic		22	
23 Association, 410 Second Street, Marietta, Ohio		23	
24 45750, commencing at 2:57 p.m.		24	
1 APPEARANCES:	Page 2	1 I N D E X	Page 4
2		2 WITNESS	
3 On behalf of the Plaintiff:		3 Todd Myers, M.D.	
4 MICHAEL H. BOWMAN, Esquire		4 Examination By Mr. Bowman	11
5 Wexler Wallace, LLP, 55 West Monroe Street,		5 Examination By Ms. Metzger	66
6 Suite 3300, Chicago, Illinois 60603		6 Examination By Mr. Bowman	128
7 Telephone: (312) 346-2222		7 Examination By Ms. Metzger	137
8 Fax: (312) 346-0022		8 Examination By Mr. Bowman	141
9 E-mail: mhb@wexlerwallace.com		9	
10		10 E X H I B I T S	
11 On behalf of the Defendants:		11	
12 JENNIFER L. STEINMETZ, Esquire		12 Myers Deposition Exhibit No. 1	10
13 Tucker Ellis, LLP, 950 Main Avenue, Suite 1100,		13 Myers Deposition Exhibit No. 2	10
14 Cleveland, Ohio 44113		14 Myers Deposition Exhibit No. 3	17
15 Telephone: (216) 592-5000		15 Myers Deposition Exhibit No. 4	58
16 Fax: (216) 592-5009		16 Myers Deposition Exhibit No. 5	103
17 E-mail: jennifer.steinmetz@tuckerellis.com		17 Myers Deposition Exhibit No. 6	117
18		18 Myers Deposition Exhibit No. 7	124
19		19 Myers Deposition Exhibit No. 8	142
20 and		20	
21		21 O B J E C T I O N S	
22		22	
23 By Ms. Metzger.....24.....5		23 By Ms. Metzger.....43.....18	
24			

TODD MYERS, M.D.
SCHNEEBERGER INGRAM v ETHICON INC.

July 09, 2013
85-88

1 expressed to you directly about that advertising?
2 MR. BOWMAN: Objection to form.
3 A. Most patients don't know specifics. They
4 just think that there is something wrong with the
5 mesh because it's on TV, and -- you know, and then
6 there's -- there's ads on TV from attorneys'
7 offices, and so they come in worried about mesh, or
8 not wanting mesh, but they don't know why, because
9 the TV commercial doesn't specify.
10 I guess maybe it -- it does give problems,
11 but -- but what the -- I think what my patients
12 come to me with is just, Well, don't put mesh in
13 me, I heard it's bad. That's basically what I
14 get.
15 And then I -- I step through the --
16 I mean, in a way, it's been good for me. It makes
17 me step through all the possible complications very
18 thoroughly with the patient because -- to try to
19 allay their fears.
20 Q. Have you or your practice partners ever
21 implanted mesh with pelvic organ prolapse?
22 A. Yes.
23 Q. Are you still using mesh for any sort of
24 anterior or posterior repairs?

1 A. No.
2 Q. Do patients of yours with -- with
3 mid-urethral slings express concerns to you related
4 to the advertising that they have seen on
5 television?
6 MR. BOWMAN: Objection to form.
7 A. No. No. The vast majority of people are
8 happy with the procedure, and so I don't think the
9 warnings bother them knowing that their procedure
10 was successful.
11 Q. Doctor, if Mrs. Ingram -- have you had the
12 opportunity to review Mrs. Ingram's deposition
13 transcript?
14 A. No.
15 Q. Has anyone spoken to you about
16 Mrs. Ingram's deposition?
17 A. No.
18 Q. Have you had the opportunity to speak to
19 Mrs. Ingram's attorneys before this deposition?
20 A. Briefly, yes.
21 Q. When was that discussion?
22 A. I talked to Jeff on the phone, you know,
23 within the last two weeks.
24 And then I just spoke to Mike briefly when

1 he first got here.
2 Q. Who is "Jeff"?
3 THE WITNESS: Kuntz, is that his
4 name?
5 MR. BOWMAN: (Nodding head.)
6 BY MS. METZGER:
7 Q. One of -- That -- That's another one of
8 Mrs. Ingram's attorneys?
9 A. I assume so.
10 Q. What was your conversation with Jeff
11 about?
12 A. He just asked me some general questions,
13 and he basically just wanted to say that they
14 wanted to make sure that the mesh was made --
15 was -- people knew all the contraindications and
16 possible bad effects from the mesh in the future,
17 and it be made safe for patients, is the gist of
18 the conversa -- He just wanted to know why they
19 were taking this to court.
20 Q. So -- So Jeff wanted to -- can you tell me
21 specifically what Jeff asked you?
22 A. He kind of asked me if I still did the
23 TVT-O procedure, and -- I'm trying to think
24 specifically what he asked.

1 A. No.
2 Q. Do patients of yours with -- with
3 mid-urethral slings express concerns to you related
4 to the advertising that they have seen on
5 television?
6 MR. BOWMAN: Objection to form.
7 A. No. No. The vast majority of people are
8 happy with the procedure, and so I don't think the
9 warnings bother them knowing that their procedure
10 was successful.
11 Q. Doctor, if Mrs. Ingram -- have you had the
12 opportunity to review Mrs. Ingram's deposition
13 transcript?
14 A. No.
15 Q. Has anyone spoken to you about
16 Mrs. Ingram's deposition?
17 A. No.
18 Q. When he said make the consenting process
19 safer in the future, did he offer an opinion to
20 you, or did he say anything to you, about his
21 feelings one way or another about your consenting
22 process for Mrs. Ingram?
23 A. No.
24 Q. Did he imply to you or state to you in any